IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Crl.MC.No. 2236 of 2007()

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(IN CONNECTION WITH M.C.NO.16/07 PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT II HARIPAD)

PETITIONER: COUNTER PETITIONER

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HARIS, AGED 32 YEARS,
S/O HAMEED KUNJU, KOTTARATHIL THEKKETHIL,
ERIKKAVU, KARTHIKAPPALLY.

BY ADV. SRI.V.MADHUSUDHANAN

RESPONDENTS: PETITIONER & STATE

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1. HASEENA, AGED 28 YEARS,
D/O.ABDUL MAJEED, HUSSAIN MANZIL,
ARATTUPUZHA, THRIKKUNNAPPUZHA, ALAPPUZHA DIST.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**Crl.M.C. No.2236 Of 2007**

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Dated this the 12th day of July, 2007

**ORDER**

The petitioner faces proceedings under Section 3 of the Muslim Woman (Protection of Rights on Divorce) Act, 1986. Marriage, divorce etc. are admitted. There is dispute about the liability as also the quantum of liability. Evidence has already been adduced by both sides. The matter stands posted for hearing now.

2. The petitioner has now come before this Court with a prayer that the powers under Section 482 Cr.P.C. may be invoked. What is the grievance? The short grievance of the petitioner is that there has been improper exclusion of a document in the course of the trial. That document was attempted to be marked when the claimant was in the witness stand. Thereafter the trial proceeded. The petitioner has also adduced evidence subsequently.

3. I must alertly remand myself of the nature, quality and contours of the jurisdiction which I am called upon to invoke and exercise. The jurisdiction which is sought to be invoked is the extraordinary inherent jurisdiction available under Section 482 Cr.P.C. It is by now trite that such jurisdiction has to be invoked only sparingly and in exceptional cases that too in aid of justice. Compelling and

exceptional reasons must be shown to exist to justify the invocation of such jurisdiction. Such jurisdiction is certainly not to be invoked as a matter of course. Any and every error or impropriety committed by the subordinate courts will not persuade this Court to invoke the powers under Sec.482 Cr.P.C. It is possible to see merit in the contention of the petitioner that the said document must have been admitted in evidence. But I am certainly of the opinion that powers under Section 482 Cr.P.C. need not be invoked to correct the alleged error in the case regarding the admission of the document.

4. Ordinarily interlocutory orders will have to wait for their challenge till the culmination of the proceedings. The law frowns upon attempts to challenge the interlocutory orders. This policy of law is clearly reflected in Section 397(2) Cr.P.C. which proscribes revisional challenge against interlocutory orders.

5. I am, in these circumstances, satisfied that this is not a fit case for invocation of powers under Section 482 Cr.P.C. If necessary, the petitioner can certainly assail the said ruling regarding the admissibility of the document if and when he finds it necessary to challenge the final order.

6. In these circumstances, without expressing any opinion on merits and granting the opportunity to the petitioner to challenge the impugned ruling regarding the admissibility of the documents, this Crl.M.C. is dismissed.

**(R.BASANT, JUDGE)**

sj

/TRUE COPY/

P.A.TO JUDGE